

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FELIX GUZMAN RIVADENEIRA,

Plaintiff,

v.

DEPARTMENT OF HOMELAND
SECURITY, ET AL.,

Defendant.

NO: 2:15-CV-00200-TOR

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION

Magistrate Judge Rodgers filed a Report and Recommendation on October 1, 2015, recommending this action be dismissed pursuant to 28 U.S.C. § 1406(a) (ECF No. 5). Venue is not proper in this district, 28 U.S.C. § 1391(b), and the Court found that it would not serve the interests of justice to transfer this action to the Northern District of Illinois (Chicago).

Plaintiff had filed no fewer than sixty identical lawsuits in the district courts throughout the United States since June 10, 2015, some of which were transferred to the Northern District of Illinois and dismissed as duplicative. *See e.g.*, Northern

1 District of Illinois (Chicago) cause number 1:15-CV-06147, order administratively
2 closing case filed July 14, 2015, ECF No. 10.

3 The “lead” case in the Northern District of Illinois, cause number 1:15-CV-
4 05552, was then dismissed with prejudice on August 31, 2015, in part because
5 Plaintiff had “engaged in vexatious and needlessly multiplicitous litigation
6 concerning the issues he assert[ed] in [that] action.” ECF No. 9 at 3. *See Headwaters*
7 *Inc. v. U.S. Forest Service*, 399 F.3d 1047, 1051 n. 3 (9th Cir. 2005) (“Materials
8 from a proceeding in another tribunal are appropriate for judicial notice.”) (internal
9 quotation marks and citation omitted). Mail sent to Plaintiff at the McHenry County
10 Jail in Woodstock, Illinois, was returned as undeliverable (ECF No. 6).

11 Objections to the Report and Recommendation were to be filed no later than
12 October 15, 2015. There being no objections filed, the Court **ADOPTS** the Report
13 and Recommendation (ECF No. 5). This action is **DISMISSED** pursuant to 28
14 U.S.C. § 1406(a).

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1 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
2 Order, enter judgment, forward copies to Plaintiff at his last known address and close
3 the file.

4 **DATED** October 21, 2015.



Thomas O. Rice
THOMAS O. RICE
United States District Judge